

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division**

CSX TRANSPORTATION, INC.,
individually and on behalf of NORFOLK
& PORTSMOUTH BELT LINE
RAILROAD COMPANY,

Plaintiff,

v.

Civil Action No. 2:18-cv-530-MSD-RJK

NORFOLK SOUTHERN RAILWAY
COMPANY, *et al.*,

Defendants.

_____ /

NOTICE OF MOTION TO FILE DOCUMENTS UNDER SEAL

Plaintiff CSX Transportation, Inc. (“CSX”), by counsel, hereby provides notice, pursuant to Local Rule 5(C), that it has moved the Court to seal portions of its Memorandum in Support of its Motion to Take the *De Bene Esse* Deposition of Chris Luebbers, together with Exhibits 1-12, 14, and 16 thereto.

CSX specifically asks the Court to seal its Memorandum in Support of its Motion to Take the *De Bene Esse* Deposition of Chris Luebbers, together with Exhibits 1-12, 14, and 16 thereto, as these materials consist of, or relate to, documents or information the parties have designated as “Confidential” or “Confidential – Attorneys Eyes Only” (“AEO”) under the Stipulated Protective Order. ECF No. 79 ¶ 16.

As set forth in CSX’s Motion to Seal and accompanying Memorandum, the Memorandum in Support of its Motion to Take the *De Bene Esse* Deposition of Chris Luebbers and Exhibits 1-12, 14, and 16 contain, discuss, and characterize highly confidential and sensitive information

relating to the parties' business strategy, cost structure, internal communications, and other proprietary information, the release of which could harm the parties.

Any party or non-party may submit memoranda in support of or in opposition to this Motion within seven (7) days designating all or part of such memoranda as confidential. Any information designated as confidential in a supporting or opposing memoranda will be treated as sealed pending a determination by the Court on the Motion to Seal. Any person objecting to this Motion must file an objection with the Clerk within seven (7) days after the filing of this Motion. If no objection is filed in a timely manner, the Court may treat the Motion as uncontested.

Dated: December 9, 2022.

Respectfully submitted,

CSX TRANSPORTATION, INC.

By Counsel

/s/ Robert W. McFarland

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CERTIFICATE OF SERVICE

I certify that on this 9th day of December, 2022, a true and correct copy of the foregoing was served on all counsel of record via Notice of Electronic Filing by filing with the Court's CM/ECF system.

/s/ Robert W. McFarland

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